

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACOBSON WAREHOUSE CO., INC., *et al.*,

Plaintiffs,

ORDER

-against-

20-cv-4416 (CS) (AEK)

PRESTIGE BRANDS, INC.,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

The Court has received and reviewed the parties' submissions with respect to the remaining schedule for fact discovery outstanding depositions, *see* ECF Nos. 175, 179, and issues the following orders:

- (1) The parties' proposed deposition schedule (ECF No. 175-2) is hereby APPROVED, and will be made part of the revised civil case discovery plan and scheduling order. Any modification of the deposition schedule requires Court approval. If the requested modification is made on consent of the parties and does not alter the overall schedule for completion of fact depositions, such application is likely to be granted. If the requested modification is not made on consent and/or would require a further extension of the fact deposition deadline, such application is not likely to be granted.
- (2) Plaintiffs' request (partially joined by Defendant) to extend the deposition deadline beyond August 1, 2022 is GRANTED IN PART AND DENIED IN PART. All depositions must be completed by August 22, 2022, including the depositions of Ms. Gerich, Ms. Sacco, any deposition of a representative from PricewaterhouseCoopers LLP ("PwC"), and any additional depositions of Rule 30(b)(6) witnesses for either party. If motion practice is required in connection with the potential PwC deposition, Plaintiffs must initiate this process by no later than July 8, 2022.
- (3) The deadline for requests for the production of documents and any further requests to admit remains August 1, 2022, subject to the following limited exception. Plaintiffs have requested that they be permitted to "serve any additional discovery requests on those parties" within one week of the completion of any post-August 1, 2022 depositions. That application is GRANTED, but only to the extent that any post-deposition requests are tied specifically to documents referenced during the

depositions that have not been produced, or pertain to issues that arise during the depositions that could not reasonably have been anticipated prior to the depositions. In other words, any post-deposition document demands served pursuant to this limited exception to the August 1, 2022 deadline must be narrowly tailored and based specifically on the deposition testimony.

With respect to Plaintiffs' request to seek leave of the Court to pursue further discovery from Defendant based on the PwC deposition, Plaintiffs may make such an application within one week of the completion of the PwC deposition. That said, Plaintiffs should understand that the long delay in pursuing and scheduling the PwC deposition will be an important consideration in whether the Court will allow any further discovery of Defendant on the basis of the PwC deposition.

Dated: July 5, 2022
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge